

REMARKS

Reconsideration of the application is respectfully requested.

I. STATUS OF THE CLAIMS

Claims 4, 11, 17, 18, and 19 are cancelled herein without prejudice or disclaimer of the subject matter therein.

Claims 1, 10, 12, 13, 14, and 20 are herein amended. No new matter is added.

Claims 1-3, 5-10, 12-16, and 20 are pending in the application.

II. REJECTION UNDER 35 U.S.C. §103(a)

The rejection of claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,938,483 to Yavetz ("Yavetz") in view of U.S. Patent Publication No. 2003/0060287 to Nishiyama ("Nishiyama") is traversed. Claims 4, 11, 17, 18, and 19 have been cancelled and thus the rejection is rendered moot.

Amended claim 1 recites the following:

...the remote control system comprises a recording medium existing independently of the transmitter and the movable machine, and having the characteristic information including second identification information specifying the movable machine,

the transmitter comprises a characteristic information recognition device for recognizing the characteristic information recorded on the recording medium; and

a second identification information transmission device for transmitting the second identification information obtained by the recognized characteristic information, and

the movable machine comprises:

a discrimination device for determining whether remote control conducted by the transmitter that has transmitted the second identification information is allowed, on the basis of the received second identification information and the second identification information stored in the own storage device; and

a remote control prohibition device responsive to discrimination that the remote control is not allowed, for prohibiting the remote control by the transmitter that has transmitted the second identification information, irrespective of whether a combination based on the first identification information is established.

According to the present invention, basically the movable machine is remote-controlled by the transmitter based on the control signal including the first identification information. In such conventional systems, the movable machine identifies the transmitter to be combined with itself by identifying the first identification information included in the received control signal. In contrast, the present invention provides other identification information, that is, the second identification information.

The second identification is information specifying a movable machine, and is included in the characteristic information stored in the movable machine specified by the second identification information and the recording medium associated with the movable machine. The transmitter recognizes and transmits the second identification information recorded on the recording medium.

The movable machine determines whether the remote-control is allowed to control it or not on the basis of the received second identification information and the second identification information of itself.

Therefore, it is possible for the movable machine to allow to be remote-controlled only by the transmitter which has transmitted the second identification information coincident with the second identification information of itself. Moreover, as the recording medium is independent of the transmitter and the movable device, the player has to obtain the recording medium associated with the movable machine to be controlled. In other words, only the player who obtains the recording medium is allowed to remote control the movable machine associated with the recording medium.

Accordingly, if the recording medium is provided for value to the player, it is possible to realize the remote control system in which allows only a player who has bought the recording medium to enjoy the remote control system.

In Yevetz, there are two kinds of identification information for identifying the vehicles. One is the frequency for transmitting command signals from the controller (col. 3 lines 25-28) and the other is the vehicle ID included in the command signal (col. 4 lines 55-58). Each vehicle ID is given uniquely to each vehicle. Therefore, the vehicle ID can correspond to the first identification information of the present invention. In contrast to the presently claimed invention, the frequency in Yevetz is set by the second two position switch 64, which is mounted to the controller. Yevetz fails to disclose and teach that the frequency is set by the information obtained from the

construction, independent of the controller and the vehicle. Moreover, although four vehicles are prepared, only two kinds of frequencies are prepared in Yevetz, because the two kinds of frequencies are prepared for the two controllers. Therefore, the frequency is information specifying the controller, rather than specifying the vehicle.

On the other hand, the Examiner can take the position that the frequency in Yevetz corresponds to the first identification information of the present invention, and the vehicle ID in Yevetz can correspond to the second identification information of the present invention. However, Yevetz only discloses that the vehicle ID is set by depression of one of the push-button switches 42, 44, 45 and 48 (col. 4 lines 55-58). Yevetz fails to disclose and teach that the controller obtains the vehicle ID of the vehicle to be controlled from a recording medium existing independently of the controller and the vehicle.

Thus, regardless of the interpretation of Yevetz, neither discloses all of the elements of the claimed invention.

Nishimura discloses a cartridge independent of the portable game machine (corresponding to the transmitter), and the mini car (corresponding to the movable machine). The portable game machine can read out information from the cartridge ([0045]-[0047]). However, Nishimura fails to disclose and teach identification information for specifying each mini car. Nishimura does not have any conception that the game machine obtains identification information for specifying the mini car to be controlled among the plurality of cars.

Moreover, both Yevetz and Nishimura are silent regarding discriminating by using the second identification information, a player to be allowed to enjoy the remote control based on the first identification information.

Therefore, even if Yevetz and Nishimura are combined, even a conception of selecting a player who can enjoy the remote control based on the first identification information by using the second identification information is never derived from the combination. Accordingly, it is impossible to derive from the references the second identification information, and thus it is believed the current application is in allowable condition.

Claims 2, 3, and 5-9 depend from claim 1 and are allowable based at least on the arguments above. Independent claim 10 has been amended to recite similar elements to claim 1 and the arguments below pertain also to this rejection. Claims 12-14 depend from claim 10 and are allowable based at least on the arguments above regarding claim 1.

Although not referring to the first and the second identification information, the invention according to amended claims 14 and 20 still recite the elements that the transmitter obtains the movable machine specification information from a recording medium existing independently of the transmitter and the movable machine, and based on the movable machine specification information, players who can enjoy the remote control system are limited.

As mentioned above, both of Yevetz and Nishimura fail to disclose and suggest that the controller (portable game machine) obtains the vehicle (mini car) specifying information from a recording medium existing independently of the controller and the vehicle.

Moreover, both Yevetz and Nishimura are silent regarding even a conception of limiting a player who can enjoy the remote control.

Therefore, even if Yevetz and Nishimura are combined, a conception of limiting players who can enjoy the remote control system is never derived from the combination. Accordingly, it is impossible to derive the construction that the transmitter obtains the movable machine specification information from a recording medium existing independently of the transmitter and the movable machine. Therefore, it is believed that claims 14 and 20 are in allowable condition. Further, claims 15 and 16 depend from claim 14 and are allowable based at least on the arguments above.

In view of the foregoing, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

Respectfully submitted,

By *Louis J. DelJuidice*
Louis J. DelJuidice
Registration No.: 47,522
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant